

STATUS OF CLAIMS

Claims 1-7, 9, 11-13 and 15-29 are pending.

Claims 1-7, 9, 11-13 and 15-20 stand finally rejected.

Claims 21-29 stand withdrawn.

Claims 1, 11, 13, 16 and 20 have been amended, without prejudice or disclaimer.

REMARKS

Examiner Interview

The undersigned thanks the Examiner for the courtesy of an Examiner interview, conducted by telephone on March 10, 2009. In the interview, claims 1, 13, 16 and 20 were discussed. The Hagan reference (U.S. Patent No. 5,864,685) was discussed. No agreement was reached.

The Examiner stated that, in order to overcome the Hagan reference, claims 1, 16 and 20 would need to be amended to recite as steps or elements limitations such as receiving allocation decisions from the owners of the shares.

Claim Amendments

Claim 1 has been amended to recite, inter alia:

store data concerning the legal entity issuing shares of nonvoting stock;

store data concerning the issued shares of nonvoting stock;

store data, including at least names and addresses, concerning the one or more owners purchasing the issued shares of nonvoting stock;

store data indicating amount of the proceeds of the purchase of the issued shares of nonvoting stock by [I,] the one or more owners of the issued shares;

store data concerning the investment and the funds;

receive the investment allocation made by the one or more owners of the proceeds into the one or more selected investment funds;

calculate an initial net asset value for each subaccount based on the amount of the proceeds of the payments by the one or more owners for the issued shares,

Specification support is found, for example, at Paragraphs [0057] through [0064] of the substitute specification.

Claim 16 has been amended to recite, inter alia:

initializing a storage means that contains data concerning the legal entity issuing instruments evidencing beneficial rights, the issued instruments; [[,]] the owners of the issued instruments, the data concerning the owners including at least names and addresses, the amount of the proceeds of the purchase of the issued instruments by the owners and the investment funds;

receiving investment allocations from the owners of the instruments;

Specification support is found, for example, at Paragraphs [0057] through [0064] of the substitute specification

Claim 20 has been amended to recite the step of

receiving the selections from the owners of the investment funds in which to invest the proceeds;

Specification support is found, for example, at Paragraphs [0057] through [0064] of the substitute specification.

Rejection of Claims 1-4, 6-14 and 16-20 Under 35 U.S.C. 102(b) Over U.S. Patent No. 5,864,685 (Hagan)

Claims 1-4, 6-14 and 16-20 stand rejected under 35 U.S.C. 102(b) as anticipated by Hagan.

As to amended claim 1, the rejection is respectfully traversed.

Hagan discloses annuity and insurance contracts, not the purchase of shares of an entity. Consistent therewith, Hagan does not disclose or suggest:

store data concerning the legal entity issuing shares of nonvoting stock;

store data concerning the issued shares of nonvoting stock;

store data, including at least names and addresses, concerning the one or more owners purchasing the issued shares of nonvoting stock;

store data indicating amount of the proceeds of the purchase of the issued shares of nonvoting stock by [[.]] the one or more owners of the issued shares;

store data concerning the investment and the funds;

Furthermore, Hagan does not disclose a step of receiving an investment allocation from an owner of shares. Indeed, Hagan provides no investment discretion in the subscriber. Both of these two reasons are independently sufficient grounds for withdrawal of the rejection of claim 1.

Claims 2-4, 6, 8-9, 11 and 13-14 depend from claim 1, and are allowable at least by virtue of their dependence from an allowable base claim.

Independent claim 16, as amended, recites limitations which distinguish over Hagan for at least the reasons set forth above in connection with claim 1. For at least this reason, the rejection of claim 16 should be withdrawn.

Claims 17-19 depend directly or indirectly from allowable base claim 16, and are allowable at least by reason of their dependence from an allowable base claim.

Independent claim 20, as amended, recites limitations which distinguish over Hagan for at least the reasons set forth above in connection with claim 1. For at least this reason, the rejection of claim 20 should be withdrawn.

Rejection of Claims 5 and 15 Under 35 U.S.C. 103 As Being Unpatentable Over U.S. Patent No. 5,864,685 (Hagan) in view of U.S. Patent No. 6,275,807 (Schirripa)

Claims 5 and 15 stand rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,864,685 (Hagan) in view of U.S. Patent No. 6,275,807 (Schirripa). Claims 5 and 15 depend from allowable base claim 1, and the rejection of claims 5 and 15 is respectfully traversed at least by virtue of the dependence of those claims from an allowable base claim.

CONCLUSION

Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

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Dated: March 31, 2009